

JERRY S. BUSBY  
Nevada Bar #001107  
ANDRE T. MARQUES  
Nevada Bar #014737  
COOPER LEVENSON, P.A.  
3016 West Charleston Boulevard - #195  
Las Vegas, Nevada 89102  
(702) 366-1125  
FAX: (702) 366-1857  
jbusby@cooperlevenson.com  
amarques@cooperlevenson.com

Attorneys for Defendant  
SMITH'S FOOD & DRUG CENTERS, INC.

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

SANDY ALECIA SINCLAIR-LEWIS,  
individually;

Plaintiffs,

vs.

SMITH'S FOOD & DRUG CENTERS, INC.  
an Ohio Corporation; DOES I - X, and ROE  
CORPORATIONS I - X, inclusive,

Defendants.

Case No. 2:20-cv-02063-JCM-VCF

**AMENDED**  
**JOINT PRE-TRIAL ORDER**

After pretrial proceedings in this case,

IT IS ORDERED:

**I.**

**NATURE OF THE ACTION**

PARTIES:

Plaintiff: SANDY SINCLAIR-LEWIS

Defendant: SMITH'S FOOD & DRUG CENTERS, INC.

RELIEF SOUGHT:

Plaintiff seeks general damages for pain, suffering, and special damages for medical expenses incurred and to be incurred in the future.

///

## 1 CONTENTIONS OF PARTIES:

2 This case involves an alleged slip and fall accident that occurred at a Las Vegas SMITH'S  
3 grocery store on May 25, 2019. The parties dispute how the incident occurred. Defendant maintains  
4 that Plaintiff slipped and fell after she lost her balance while walking in the back aisle of the subject  
5 store. A single photograph taken after the incident by Plaintiff's husband appears to show a small  
6 amount of liquid on the floor in the area of Plaintiff's fall. Defendant contends that there is no  
7 evidence of how the liquid came to be on the floor, but Defendant alleges it was likely caused by  
8 another customer a short time prior to Plaintiff's fall. Defendant further contends the subject aisle  
9 was reasonably maintained on the date of Plaintiff's accident, and that the subject store did not have  
10 notice of the alleged foreign substance prior to the fall.

11 Plaintiff, on the other hand, contends that SMITH'S was negligent in that it created, owned,  
12 controlled, inspected, and/or maintained the premises in an unstable and dangerous manner so as to  
13 allow a hazardous condition, to exist on the Subject Premises. Specifically, Plaintiff alleges that a  
14 nearby freezer unit malfunctioned, causing water to leak onto the sales floor, which made it  
15 unreasonably slippery, and without proper warning of the hazard, caused Plaintiff, Sandy Alecia  
16 Sinclair-Lewis, to slip and fall. Plaintiff further contends, prior to the subject incident, SMITH'S was  
17 aware of issues with its freezer units leaking onto the sales floor, and failed to remedy the problem.  
18 As a proximate result thereof, Plaintiff was seriously injured.

## 19 II.

20 **STATEMENT OF JURISDICTION**

21 This action was originated by the filing of a Complaint in the District Court, Clark County,  
22 Nevada on September 11, 2020. Defendant removed the case from State Court to Federal Court on  
23 November 9, 2020, citing diversity between the parties and that this Court has jurisdiction of the  
24 matter under 28 U.S.C. § 1332 and 28 U.S.C § 1441(b). This Court has subject matter jurisdiction  
25 over this case pursuant to 28 U.S.C. § 1346(b)(1), part of the FTCA.

26 ///

27 ///

28 ///

III.

**FACTS ADMITTED BY THE PARTIES AND REQUIRE NO PROOF**

1. Venue is proper in the United States District Court for the District of Nevada in Las Vegas, Nevada.
2. Plaintiff slipped and fell on May 25, 2019, at a SMITH'S grocery store in Las Vegas, Nevada.

IV.

**FACTS, THOUGH NOT ADMITTED, WILL NOT BE  
CONTESTED AT TRIAL BY EVIDENCE TO THE CONTRARY**

1. Plaintiff was shopping at Smith's Store No. 376, located at 2385 East Windmill Lane, in Las Vegas, Nevada on May 25, 2019.

V.

**ISSUES OF FACT TO BE TRIED AND DETERMINED UPON TRIAL**

The following are the issues of fact to be tried and determined at trial:

1. Whether Smith's acted negligently;
2. Whether Defendant was negligent in maintaining their premises specifically, the flooring where Plaintiff fell;
3. Whether Smith's had notice of the liquid;
4. Whether Plaintiff was comparatively negligent;
5. Whether Smith's breached any duty of care owed to Plaintiff;
6. Whether the medical care and treatment received by Plaintiff was reasonable and necessary and proximately caused by the subject incident;
7. Whether the medical care and treatment received by Plaintiff was causally related to the incident concerned in this litigation;
8. Whether the medical damages incurred are customary and reasonable for the medical services provided;
9. Whether Plaintiff's damage claims are recoverable pursuant to the requirements of the law;
10. Whether Plaintiff failed to mitigate her damages;
11. Whether Plaintiff has sustained her burden of proving negligence and damages pursuant to the requirement of the law.

///

///

**VI.**

**ISSUES OF LAW TO BE TRIED AND DETERMINED UPON TRIAL**

1. Whether Smith's acted negligently;
2. Whether Smith's had notice of the liquid;
3. Whether Plaintiff acted negligently;
4. Whether Smith's breached any duty of care owed to Plaintiff;
5. Whether Plaintiff's damage claims are recoverable pursuant to the requirements of the law;
6. Whether Plaintiff has sustained her burden of proving negligence and damages pursuant to the requirement of the law.

**VII.**

**Exhibits**

**(a) The following exhibits are stipulated into evidence in this case and may be so marked by the clerk:**

- (DEF-0000001 – DEF-0000004) - Incident Report (*redacted*);
- (DEF-0000005) - Evidence Report;
- (DEF-0000006 – DEF-0000007) - Sweeps/Floor Inspection Report;
- (DEF-0000008) - One (1) color copy of a photograph from the date of the subject incident; and
- One (1) compilation DVD from the date of the incident: 30192710559 – Sandy Sinclair-Lewis – Date of Loss: 05/25/19 – Store 376 – DXA Files (1 of 1).

Counsel for the parties have stipulated to the authenticity of medical records timely produced in this litigation so that neither party will need to call a Custodian of Records to authenticate medical records that may be offered into evidence.

**(b) As to the following exhibits, the party against whom the same will be offered objects to their admission on the grounds stated:**

**(1) Plaintiff's exhibits and Defendant's objections:**

<b><u>Exhibit</u></b>	<b><u>Bate No</u></b>	<b><u>Description</u></b>	<b><u>Defendant's objection</u></b>
1.	ER 000001	Medical Bill from Community Ambulance, dated 5/25/2019	Fed R. Evid. 401, 402, 403, and 901.

<b><u>Exhibit</u></b>	<b><u>Bate No</u></b>	<b><u>Description</u></b>	<b><u>Defendant's objection</u></b>
2.	ER000002- ER000114	Medical Bill and Records from St. Rose Dominican Hospital- Siena Campus, dated 5/25/2019	Fed R. Evid. 401, 402, 403, and 901.
3.	ER000115	Medical Bill from Vituity Partners, dated 5/25/2019	Fed R. Evid. 401, 402, 403, and 901.
4.	ER000116- ER000117	Medical Bill from Radiology Associates of Nevada, dated 5/25/2019	Fed R. Evid. 401, 402, 403, and 901.
5.	ER000118- ER000166	Medical Bill and Records from Steinberg Diagnostic Medical Imaging, dated 5/25/2019 – 12/9/2020	Fed R. Evid. 401, 402, 403, and 901.
6.	ER000167- ER000370 ER2750- ER2754	Medical Bill and Records from Khavkin Clinic, dated 6/3/2019 – 12/1/2020; 3/16/2021 – 3/23/2021	Fed R. Evid. 401, 402, 403, and 901.
7.	ER000371- ER000395	Medical Bill and Records from Desert Orthopedic Center, dated 6/5/2019 – 12/21/2020	Fed R. Evid. 401, 402, 403, and 901.
8.	ER000396- ER000446	Medical Bill and Records from Total Wellness Family Medicine, dated 6/6/2019 – 10/30/2019	Fed R. Evid. 401, 402, 403, and 901.
9.	ER000447- ER000597	Medical Bill and Records from Rapid Rehab and Wellness Center, dated 7/9/2019 – 3/17/2020	Fed R. Evid. 401, 402, 403, and 901.
10.	ER000598- ER000607	Medical Bill and Records from Desert Cardiovascular Consultant, dated 7/19/2019 – 8/15/2019	Fed R. Evid. 401, 402, 403, and 901.
11.	ER000608- ER000621	Medical Bill and Records from Palm Medical Group, dated 7/29/2019 – 8/14/2019	Fed R. Evid. 401, 402, 403, and 901.
12.	ER000622- ER002221	Medical Bill and Records from Henderson Hospital, dated 8/26/2019 – 9/27/2019	Fed R. Evid. 401, 402, 403, and 901.
13.	ER002222- ER002237	Medical Bill and Records from SimonMed, dated 6/17/2019	Fed R. Evid. 401, 402, 403, and 901.
14.	ER002273- ER002311	Medical Bill and Records from Las Vegas Radiology, dated 5/28/2019-3/1/2021	Fed R. Evid. 401, 402, 403, and 901.
15.	ER002312- ER002332	Medical Bill and Records from Red Rock Neurology & Pain Management, dated 11/23/2020-2/22/2021	Fed R. Evid. 401, 402, 403, and 901.
16.	ER002342- ER002360 ER2669 – ER2749	Medical Bill and Records from Resurgens Orthopedic, dated 5/12/2021-6/2/2021; 5/12/2021-12/15/2021	Fed R. Evid. 401, 402, 403, and 901.

<b><u>Exhibit</u></b>	<b><u>Bate No</u></b>	<b><u>Description</u></b>	<b><u>Defendant's objection</u></b>
17.	ER002374- ER002463	Medical Bill and Records from Comprehensive Spine & Pain, dated 8/13/2021-12/30/2021	Fed R. Evid. 401, 402, 403, and 901.
18.	ER002238	Color photograph of the scene of the incident	Fed R. Evid. 401, 402, 403, and 901
19.	ER002361- ER002373	Color photographs of the scene of the incident from site inspection on 10/27/2021	Fed R. Evid. 401, 402, 403, and 901
20.	ER 2464 – ER 2526	David E. Fish, M.D. Medical Records Review and Future Medical Care Cost Analysis dated January 8, 2022, CV, Testimony History and Fee Schedule	Fed R. Evid. 401, 402, 403, 801, and 901.
21.	ER 2527- ER 2631	Stan V. Smith of Smith Economics Group Expert Report dated June 30, 2021, CV, Testimony History and Fee Schedule	Fed R. Evid. 401, 402, 403, and 901.
22.	ER 2632 – ER 2652	Adam Hjorth of Hobbles Creek Services, LLC Expert Report dated January 7, 2022, CV, Testimony History and Fee Schedule	Fed R. Evid. 401, 402, 403 and 801.
23.	ER 2653 – ER 2659	David E. Fish, M.D. Medical Records Review and Future Medical Care Cost Analysis (FCA) dated January 15, 2022	Fed R. Evid. 401, 402, 403, and 901.
24.	ER2660 – ER 2661	Adam Hjorth of Hobbles Creek Services, LLC Supplemental Expert Report dated February 7, 2022	Fed R. Evid. 401, 402, 403, and 801.
25.	ER 2662 – ER 2668	David E. Fish, M.D. TeleMedicine Medical Evaluation	Fed R. Evid. 401, 402, 403, and 901.
26.	ER 2755 – ER 2756	Adam Hjorth of Hobbles Creek Services, LLC Second Supplemental Expert Report dated April 8, 2022	Fed R. Evid. 401, 402, 403, 407, 702, and 801.
27.	ER 2757 – ER 2761	David E. Fish, M.D. Medical Records Review Rebuttal Report dated March 19, 2022	Fed R. Evid. 401, 402, 403, and 901.
28.	ER 2762 – ER 2767	David E. Fish, M.D. Medical Records Review Rebuttal Report #4 dated April 15, 2022	Fed R. Evid. 401, 402, 403, and 901.
29.	ER002239- ER002242	Pay Details from Tesla, Inc. for Sandy Sinclair-Lewis, dated 11/30/2020 – 3/21/2021	Fed R. Evid. 401, 402, 403, 801 and 901.
30.	ER002243- ER002272	Plaintiff's Federal Income Tax filings for 2018, 2019, and 2020	Fed R. Evid. 401, 402, 403, and 901.
31.	ER002333- ER002341	Plaintiff's W-2 Wage and Tax Statement for 2018, 2019, and 2020	Fed R. Evid. 401, 402, 403, and 901.

Plaintiff reserves the right to utilize any and all responses to Interrogatories, Requests for Production and Requests for Admissions from Defendants.

Plaintiff reserves the right to utilize any and all documents produced by Defendant or any party in this litigation.

Plaintiff may offer documents needed for rebuttal or impeachment, including, but not limited to, discovery obtained during the course of litigation as permitted, pleadings, and other documentation in accordance with admissible evidence.

Plaintiff may offer documents produced by Plaintiff and Defendant, upon which experts have reviewed and formed opinions, including but not limited to, reports, pleadings, correspondence, notes, and medical records and billing.

Plaintiff expects to utilize any and all writings, published works, journals, treatises, medical texts, affidavits, films, drawings, graphs, charts, photographs, reports, computer tapes, computer discs, and other data compilations, and other medical reference materials which Plaintiff and/or Plaintiff's expert use in support of Plaintiff's allegations.

Deposition transcripts will be used as needed for rebuttal or impeachment. Deposition transcripts may also be used for direct examination if the witness is unable to appear at the time of trial.

Any and all rebuttal exhibits.

Plaintiff reserves the right to use any and all other exhibits needed for rebuttal and/or impeachment.

All pleadings and discovery obtained during the course of litigation as permitted, and in accordance with admissible evidence.

**(2) Defendant's exhibits and Plaintiff's objections:**

<u>Exhibit</u>	<u>Bate No</u>	<u>Description</u>	<u>Plaintiff's objection</u>
32.	(DEF-0000001 – DEF-0000004)	Incident Report	
33.	(DEF-0000005)	Evidence Report	
34.	(DEF-0000006 – DEF-0000007)	Sweeps/Floor Inspection Report	

<u>Exhibit</u>	<u>Bate No</u>	<u>Description</u>	<u>Plaintiff's objection</u>
35.	(DEF-0000008)	One (1) color copy of a photograph from the date of the subject incident	
36.	N/A	One (1) compilation DVD from the date of the incident: 30192710559 – Sandy Sinclair-Lewis – Date of Loss: 05/25/19 – Store 376 – DXA Files (1 of 1).	

Defendant reserves the right to utilize any or all of the exhibits listed by Plaintiff or those listed below as necessary to impeach or rebut evidence presented by Plaintiffs at trial:

37. Letter from David Markman, Esq. to Sedgwick CMS dated June 12, 2019 (DEF-0000009); **Plaintiff's objections: Fed R. Evid. 401, 402, 403, and 411**
38. Letter from Sedgwick CMS to Vince Ditcharo dated July 9, 2019 (DEF-0000010); **Plaintiff's objections: Fed R. Evid. 401, 402, 403, 408, 409 and 411 *Proctor v. Castelletti*, 112 Nev. 88, 911 P.2d 853**
39. Letter from Optum to Sedgwick CMS dated July 11, 2019 (DEF-0000011); **Plaintiff's objections: Fed R. Evid. 401, 402, 403, 408, 409 and 411 *Proctor v. Castelletti*, 112 Nev. 88, 911 P.2d 853**
40. Letter from Optum to Sedgwick CMS dated July 18, 2019 (DEF-0000012); **Plaintiff's objections: Fed R. Evid. 401, 402, 403, 408, 409 and 411 *Proctor v. Castelletti*, 112 Nev. 88, 911 P.2d 853**
41. Letter from Sedgwick CMS to Yevgeniy A. Khavkin, M.D., P.C. dated July 23, 2019 (DEF-0000013); **Plaintiff's objections: Fed R. Evid. 401, 402, 403, 408, 409 and 411 *Proctor v. Castelletti*, 112 Nev. 88, 911 P.2d 853**
42. Letter from Sedgwick CMS to Optum dated July 23, 2019 (DEF-0000014); **Plaintiff's objections: Fed R. Evid. 401, 402, 403, 408, 409 and 411 *Proctor v. Castelletti*, 112 Nev. 88, 911 P.2d 853**
43. Letter from Sedgwick CMS to Community Ambulance dated July 30, 2019 (DEF-0000015); **Plaintiff's objections: Fed R. Evid. 401, 402, 403, 408, 409 and 411 *Proctor v. Castelletti*, 112 Nev. 88, 911 P.2d 853**
44. Letter from Optum to Sedgwick CMS dated January 30, 2020 (DEF-0000016 – DEF-0000017); **Plaintiff's objections: Fed R. Evid. 401, 402, 403, 408, 409 and 411 *Proctor v. Castelletti*, 112 Nev. 88, 911 P.2d 853**



45. Letter from Sedgwick CMS to Optum dated February 25, 2020 (DEF-0000018); **Plaintiff's objections: Fed R. Evid. 401, 402, 403, 408, 409 and 411 Proctor v. Castelletti, 112 Nev. 88, 911 P.2d 853**
46. Letter from Optum to Sedgwick CMS dated June 19, 2020 (DEF-0000019 – DEF-0000020); **Plaintiff's objections: Fed R. Evid. 401, 402, 403, 408, 409 and 411 Proctor v. Castelletti, 112 Nev. 88, 911 P.2d 853**
47. Letter from Sedgwick CMS to Optum dated July 9, 2020 (DEF-0000021); **Plaintiff's objections: Fed R. Evid. 401, 402, 403, 408, 409 and 411 Proctor v. Castelletti, 112 Nev. 88, 911 P.2d 853**
48. Letter from Ryan Harrison, Esq. to Sedgwick CMS dated July 27, 2020 (DEF-0000022); **Plaintiff's objections: Fed R. Evid. 401, 402, 403, 408, 409 and 411 Proctor v. Castelletti, 112 Nev. 88, 911 P.2d 853**
49. Plaintiff's medical records from:
  - Kimberly Adams, M.D. (KA-0000001 – KA-0000089);
  - Fidelis Edosomwan, M.D. (FE-0000001 – FE-0000024);
  - Khavkin Clinic (KC-0000001 – KC-0000062);
  - Las Vegas Radiology (LVR-0000001 – LVR-0000039);
  - Palm Medical Group (PMG-0000001 – PMG-0000083);
  - Red Rock Neurology (RRN-0000001 – RRN-0000020); and
  - Steinberg Diagnostic Medical Imaging Centers (SDM-0000001 – SDM-0000047)
  - Resurgens Orthopedics (RO-0000001 – RO-0000572)
  - Shyam Shivdasani, M.D. (SS-0000001 – SS-0000095)

Defendant reserves the right to utilize the following as necessary to impeach or rebut evidence presented by Plaintiffs at trial:

- Store diagram – Demonstrative Evidence
- Deposition exhibits
- Expert Report of Brian K. Jones, MSBE, PE, ACTAR, CXL
- Expert Report of Vladimir Sinkov MD

Defendant reserves the right to use any exhibit listed or introduced by Plaintiff. Defendant reserves the right to use Plaintiff's medical records, provided by either party, as needed for impeachment evidence as permitted by applicable court rules. Defendant reserves the right to use any statements, discovery responses, and/or deposition testimony for purposes of refreshing recollection, impeachment, and/or substantively as party admissions. Defendant reserves the right to use demonstrative evidence.

**(c) Electronic evidence:** Electronic evidence: The parties anticipate utilizing the court's electronic evidence display system. The parties do not anticipate utilizing native electronic evidence

1 but will be displaying video electronically. This includes the presentation of video electronically to  
 2 the jury for deliberations. The parties will coordinate with the courtroom administrator as  
 3 contemplated by the Local Rules.

4 **(d) Depositions:**

5 **(1) Plaintiff will offer the following depositions:**

6 Plaintiff does not intend at this time to offer page and line designations for any deposition  
 7 transcripts. In the event Plaintiff learns that a witness is unavailable to testify at trial, Plaintiff will  
 8 notify all parties and the Court of page and line designations of the unavailable witness' deposition  
 9 transcript to offer at trial. Plaintiff reserves the right to use deposition transcripts to refresh  
 10 recollection, to impeach, and otherwise to use at trial in accordance with applicable rules, e.g., Fed.  
 11 R. Civ. P. 32, and Fed. R. Evid. 801(d).

12 Plaintiff reserves the right to use any and all deposition transcripts and videotaped  
 13 depositions deemed necessary for impeachment and/or rebuttal purposes.

14 **(2) Defendant will offer the following depositions:** Defendant does not intend at  
 15 this time to offer page and line designations for any deposition transcripts. In the event Defendant  
 16 learns that a witness is unavailable to testify at trial, Defendant will notify all parties and the Court  
 17 of page and line designations of the unavailable witness' deposition transcript to offer at trial.  
 18 Defendant reserves the right to use deposition transcripts to refresh recollection, to impeach, and  
 19 otherwise to use at trial in accordance with applicable rules, e.g., Fed. R. Civ. P. 32, and Fed. R.  
 20 Evid. 801(d).

21 **(e) Objections to depositions:**

22 **(1) Defendant objects to Plaintiff's depositions as follows:**

23 Defendant reserves the right to object to any deposition testimony being offered by  
 24 Plaintiff.

25 **(2) Plaintiff objects to Defendant's depositions as follows:**

26 **VIII.**

27 **Witnesses that May be Called at Trial**

28 The following witnesses may be called by the parties at trial:

**(a) Plaintiff's witnesses:**

Plaintiff may call the following witnesses at trial:

1. SANDY ALECIA SINCLAIR-LEWIS  
c/o Justin G. Randall, Esq.  
ER INJURY ATTORNEYS  
1700 S. Pavilion Center Dr. Ste. 530  
Las Vegas, NV 89135
- 2.. PHILLIP LEWIS  
c/o Justin G. Randall, Esq.  
ER INJURY ATTORNEYS  
1700 S. Pavilion Center Dr. Ste. 530  
Las Vegas, NV 89135
3. Nyree Neder- NRCF 30(6)(6) for  
SMITH'S FOOD & DRUG CENTERS, INC.  
c/o Jerry S. Busby, Esq.  
Gregory A. Kraemer, Esq.  
COOPER LEVENSON, P.A.  
3016 West Charleston Boulevard - #195  
Las Vegas, Nevada 89102
4. Yesica Lopez, Custodian of Records and/or  
Person Most Knowledgeable  
Community Ambulance  
P.O. Box 30102, Dept N809  
Salt Lake City, UT 84130
5. Amy Zanik, Custodian of Records and/or  
Person Most Knowledgeable  
St. Rose Dominican Hospital- Siena Campus  
3001 St. Rose Parkway  
Henderson, Nevada 89052
6. Laura Castillo, Custodian of Records and/or  
Jonathon McGarry, M.D., and/or  
Person Most Knowledgeable and/or  
Vituity Partners  
P.O. Box 45390  
San Francisco, California 94145
7. Steven Sogge, M.D. and/or  
Person Most Knowledgeable and/or  
Custodian of Records for  
Radiology Associates of Nevada  
P.O. Box 30077, Dept 305  
Salt Lake City, Utah 84130
8. Rolando Garcia, Custodian of Records and/or  
Person Most Knowledgeable  
Desert Orthopaedic Center  
2800 E Desert Inn Rd., Ste 100  
Las Vegas, Nevada 89121

- 1           9.       Yevgeniy Khavkin, M.D., and/or  
2               Person Most Knowledgeable and/or  
3               Custodian of Records for  
4               Khavkin Clinic  
5               653 N Town Center Dr., Ste 602  
6               Las Vegas, Nevada 89144
- 7           10.      Theresa Lopez, Custodian of Records, and/or  
8               Person Most Knowledgeable and/or  
9               Rapid Rehab- Henderson  
10              2475 W Horizon Ridge Pkwy, Ste 100  
11              Henderson, Nevada 89052
- 12           11.      Zia Khan, M.D., and/or  
13               Person Most Knowledgeable and/or  
14               Custodian of Records for  
15               Desert Cardiovascular Consultants  
16               5785 S Fort Apache Rd., Ste 100A  
17               Las Vegas, Nevada 89148
- 18           12.      Adriana Ruiz, PA-C, and/or  
19               Person Most Knowledgeable and/or  
20               Custodian of Records for  
21               Palm Medical Group  
22               9280 W Sunset Rd., Ste 306  
23               Las Vegas, Nevada 89148
- 24           13.      Yevgeniy Khavkin, M.D. and/or  
25               Person Most Knowledgeable and/or  
26               Henderson Hospital  
27               1050 W Galleria Dr.  
28               Henderson, Nevada 89011
14.      Nany M. Rice, Custodian of Records and/or  
              Person Most Knowledgeable and/or  
              Steinberg Diagnostic Medical Imaging  
              2950 S Maryland Pkwy  
              Las Vegas, Nevada 89109
15.      Rori Himes, Custodian of Records, and/or  
              Person Most Knowledgeable and/or  
              Total Wellness Family Medicine  
              9640 W Tropicana Ave., Ste 116  
              Las Vegas, Nevada 89147
16.      Veronica Muniz, Custodian of Records and/or  
              Person Most Knowledgeable and/or  
              SimonMed  
              PO Box 204165  
              Dallas, Texas 75320
17.      Mario Gonzalez, Custodian of Records and/or  
              Person Most Knowledgeable and/or  
              Las Vegas Radiology  
              7500 Smoke Ranch Rd., Suite 100  
              Las Vegas, Nevada 89128

18. Triesha Caoin, Custodian of Records and/or  
Person Most Knowledgeable and/or  
Red Rock Neurology & Pain Management  
1905 McDaniel St., Suite 102  
North Las Vegas, Nevada 89030
19. V K Puppala, M.D. and/or  
Stacy Kendrick, M.D. and/or  
Anthony Carantzas, M.D. and/or  
Jasmine Rivera, Custodian of Records, and/or  
Person Most Knowledgeable and/or  
Resurgens Orthopaedic  
270 Chastain Rd.  
Kennesaw, Georgia 30144
20. V K Puppala, M.D. and/or  
Hannah Hermon, Custodian of Records and/or  
Person Most Knowledgeable and/or  
Comprehensive Spine & Pain  
403 Permain Way Ste D  
Villa Rica, Georgia 30180
21. David E. Fish, M.D.  
UCLA School of Medicine  
1350 Davies Drive  
Beverly Hills, California 90210
22. Stan V. Smith, Ph.D.  
Smith Economic Group, LTD.  
1165 N. Clark Street, Suite 600  
Chicago, Illinois 60610
23. Adam Hjorth  
Hobble Creek Services, LLC  
275 Hampton Ridge Ct.  
Henderson, Nevada 89002

Plaintiff reserves the right to call any witness named by Defendant. Plaintiff reserves the right to call any witness as may be necessary for the purpose of impeachment. Plaintiff may call any and all witnesses called in rebuttal to testimony given by Defendant's witnesses. Plaintiff reserves the right to object to any of Defendant's witnesses at the time of trial.

**(b) Defendant's witnesses:**

Defendant may call the following witnesses at trial:

1. Sandy Alecia Sinclair-Lewis, Plaintiff  
c/o Justin G. Randall, Esq.  
ER INJURY ATTORNEYS  
1700 S. Pavilion Center Dr. Ste. 530  
Las Vegas, NV 89135  
(702) 968-7500

2. Philip Lewis, Plaintiff  
c/o Justin G. Randall, Esq.  
ER INJURY ATTORNEYS  
1700 S. Pavilion Center Dr. Ste. 530  
Las Vegas, NV 89135  
(702) 968-7500
3. Nyree Neder  
5161 Cereus Court  
Las Vegas, NV 89146  
(702) 797-0049
4. Michael Fox  
2443 Wilder Road  
Bullhead City, AZ 86442  
(928) 219-7486
5. Julian Gonzales  
c/o SMITH'S Store No. 358  
2540 S. Maryland Parkway  
Las Vegas, NV 89109  
(702) 735-8928
6. Jacob Dufault  
1460 Lawman Court  
Las Vegas, NV 89119  
(702) 673-0936
7. Mariah Beasley  
2456 Via De Milano  
Henderson, NV 89074  
(702) 906-8037
8. Brian K. Jones, MSBE, P.E., ACTAR, CXL  
American Bio Engineers  
6351 Hinson Street - Suite R  
Las Vegas, NV 89118  
(702) 395-6768
9. Vladimir Sinkov, M.D.  
Sinkov Spine Center  
1627 East Windmill Lane, Suite 100  
Las Vegas, NV 89123  
(702) 710-1010

Defendant reserves the right to call any of the healthcare providers identified by either party during this litigation as a witness if needed to impeach or rebut evidence presented by Plaintiff. Defendant also reserves the rights to call impeachment and/or rebuttal witnesses at trial, as permitted by applicable rules, and to call any witnesses identified by Plaintiff.

///

**IX.**

**Proposed Trial Dates**

The attorneys or parties have met and jointly offer these three trial dates:

November 6, 2023                      January 22, 2024                      February 12, 2024

It is expressly understood by the undersigned that the court will set the trial of this matter on one of the agreed-upon dates if possible; if not, the trial will be set at the convenience of the court's calendar.

**X.**

**Estimated Time for Trial**

It is estimated that the trial will take seven (7) days.

DATED this 12th day of May, 2023.

DATED this 12th day of May, 2023

ER INJURY ATTORNEYS

COOPER LEVENSON, P.A.

/s/ **JUSTIN G. RANDALL, ESQ.**

/s/ **JERRY S. BUSBY, ESQ.**

\_\_\_\_\_  
JUSTIN G. RANDALL, ESQ.

\_\_\_\_\_  
JERRY S. BUSBY

Nevada Bar No. 12476

Nevada Bar #001107

4795 South Durango Drive

ANDRE T. MARQUES

Las Vegas, Nevada 89147

Nevada Bar #014737

Telephone: (702) 968-7500

3016 West Charleston Boulevard - #195

Facsimile: (702) 968-7525

Las Vegas, Nevada 89102

*Attorneys for Plaintiff*

(702) 366-1125

*Sandy Alecia Sinclair-Lewis*

FAX: (702) 366-1857

*Attorneys for Defendant*

*Smith's Food & Drug Centers, Inc.*

**XI.**

**Action by the Court**

This case is set for court/trial on the fixed/stacked calendar at the United States District Court, District of Nevada at 333 Las Vegas Boulevard South, Las Vegas, Nevada, 89101 on January 22, 2024 at 9:00 AM Calendar call will be held on January 17, 2024 at 1:30 p.m.

Dated May 16, 2023.

  
\_\_\_\_\_  
**UNITED STATES DISTRICT JUDGE**